

Message Text

LIMITED OFFICIAL USE

PAGE 01 VIENNA 02232 01 OF 02 280936Z
ACTION SCA-01

INFO OCT-01 EUR-12 ISO-00 VO-03 PPT-01 PER-01 INSE-00
DHA-02 ORM-02 L-03 SCS-03 PA-01 /030 W
-----280941Z 006119 /12
R 221452Z MAR 77
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 1136

LIMITED OFFICIAL USE SECTION 1 OF 2 VIENNA 2232

C O R R E C T E D C O P Y F O R T E X T

E.O. 11652: N/A
TAGS: OCON, CGEN
SUBJECT: CONSULAR CONFERENCE IN VIENNA

REF: STATE 57650

1. VIENNA REPRESENTATIVE AT MAY 9 - 12 WESTERN CONSULAR CONFERENCE
NORTHERN TIER WILL BE FSO-3 DUDLEY G. SIPPRELLE, EMBASSY
CONSELOR FOR CONSULAR AFFAIRS.

2. IT WOULD BE WORTHWHILE FOR OTHER EMBASSY VIENNA CONSULAR
OFFICERS TO BE AFFORDED OPPORTUNITY TO ATTEND CONFERENCE AS
OUR WORKLOAD PERMITS, PARTICULARLY SINCE NO EXTRA COSTS WOULD
BE INVOLVED. ATTENDANCE AT EE/SOV CONFERENCE WOULD BE
PARTICULARLY INSTRUCTIVE GIVEN AUSTRIA'S GEOGRAPHICAL
LOCATION AND POLITICAL SITUATION WHICH MAKES IT ATTRACTIVE TO
REFUGEES AND OTHER EAST BLOCK NATIONALS.

3. PARTICULAR ISSUES OF INTEREST TO US FOR DISCUSSION INCLUDE:
(A) PROSPECTS FOR OVERHAUL OF IMMIGRATION AND NATIONALITY ACT,
WITH PARTICULAR REFERENCE TO SECTION 212(A)(28) AND PREVISIONS
CONCERNING LOSS OF NATIONALITY. WITH REGARD TO FORMER,
STATEMENTS BY PRESIDENT AND VARIOUS MEMBERS OF CONGRESS
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 VIENNA 02232 01 OF 02 280936Z

RELATING TO "FREEDOM OF TRAVEL" ARE PUTTING CONSULAR
OFFICERS IN VERY UNCOMFORTABLE POSITION OF APPEARING TO
BE IN RETROGRADE FUNCTION. WAIVER PROCESS, ALTHOUGH IT
APPEARS ON SAY TO BECOMING PRO-FORMA IN NIV CASES IN ALL AREAS
OF INELIGIBILITY, IS UNSATISFACTORY SOLUTION TO PR ASPECTS
AS IT UNDERLINES "INELIGIBILITY." AS TO QUESTION OF
CONCLUSIVELY DEMONSTRATING "INTENT" IN LOSS OF NATIONALITY

CASES, ISSUE BECOMES EVER MORE DIFFICULT. IT SEEMS TO US THAT ULTIMATE AND LOGICAL OUTCOME MUST BE THAT U.S. CITIZENSHIP CAN ONLY BE LOST THROUGH CONSCIOUS EFFORT AT DIVESTITURE, I.E. THROUGH RENUNCIATION. EVEN THEN OUR EXPERIENCE DEMONSTRATES THAT USCS OFTEN RENOUNCE NOT FOR AVOWED PURPOSES OF BECOMING NON-AMERICAN, BUT TO GAIN SOME BENEFIT IN FOREIGN COUNTRY OF RESIDENCE.

(B) ARE THERE ANY PROSPECTS OF OVERCOMING DIVISION OF RESPONSIBILITY IN IMMIGRATION MATTERS AS THEY RELATE TO NIVS, IVS AND REFUGEES? DIVIDED RESPONSIBILITIES, ESPECIALLY AS THEY CONCERN ACTIVITIES ABROAD, TEND TO COMPLICATE MATTERS FOR PERSONS SEEKING ENTRY TO U.S.

(C) WHAT IS STATUS OF SUGGESTION FOR ESTABLISHMENT OF SEPARATE PASSPORT SERVICE?

(D) IS THERE ANY ALTERNATIVE TO USE OF MICROFICHE FOR VISA LOOKOUTS? MICROFICHE PRODUCES HEADACHES, LITERALLY. WE HAVE FOUND IT CAN DISCOURAGE CAREFUL CHECKING.

(E) COULD WE NOT ESTABLISH PASSPORT APPLICATION BY MAIL PROCEDURE FOR U.S. CITIZENS REGISTERED WITH CONSULAR POSTS?

(F) WHY NO EXTRA PAGES FOR NEW, SMALLER U.S. PASSPORTS? THIS COULD BECOME NETTLESOME HERE WHERE WE HAVE MANY RESIDENT CITIZENS REGULARLY VISITING EASTERN EUROPEAN COUNTRIES WHICH ISSUE SINGLE ENTRY VISAS.

(G) CAN ANYTHING BE DONE WITH REGARD TO PASSPORT ISSUANCE TO DIAGNOSED MENTAL INCOMPETENTS WHO SHUTTLE, OFTEN WITH REPATRIATION LOANS, BETWEEN U.S. AND ABROAD AND CREATE INFINITE PROTECTION AND WELFARE PROBLEMS.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 VIENNA 02232 01 OF 02 280936Z

(H) WHAT ARE PROSPECTS FOR OFFERING U.S. CITIZEN ABROAD BETTER OPPORTUNITY TO EXERCISE HIS FRANCHISE IN FEDERAL ELECTIONS THAN HAPPENED IN 1976?

(I) WE BELIEVE THERE NEEDS TO BE A CLEAR STATEMENT OF GUIDELINES FOR CONSULAR OFFICERS CONCERNING PRIVACY ACT IMPLEMENTATION, ESPECIALLY AS TO ITS APPLICATION IN PROTECTION AND WELFARE CASES, AND COMPREHENSIBLE TO NON-LAWYERS, FOR EXAMPLE,

1. IS OUR FORWARDING A COPY OF REPORT OF ARREST OF U.S. CITIZEN TO LEGATT, EMBASSY BERN REALLY PERMISSIBLE UNDER PRIVACY ACT (5 USC 552A (B) (7)).

2. CAN WE INFORM NOK OF HOSPITALIZATION OF U.S. CITIZEN WHO WAS COMMITTED FOR MENTAL PROBLEM WITHOUT HIS WRITTEN CONSENT? (5 USC 552A (B) (8)). SAME QUESTION AS TO U.S.

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 VIENNA 02232 02 OF 02 221712Z
ACTION SCA-01

INFO OCT-01 EUR-12 ISO-00 VO-03 PPT-01 PER-01 INSE-00
DHA-02 ORM-02 L-03 SCS-03 PA-01 /030 W
-----221853Z 041515 /44
P 221342Z MAR 77
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 1137

LIMITED OFFICIAL USE SECTION 2 OF 2 VIENNA 2232

CITIZEN HOSPITALIZED AFTER ACCIDENT IN CRITICAL CON-
AND WHO UNABLE TO GIVE WRITTEN CONSENT. WHAT
ABOUT MINOR WHO RAN AWAY FROM HOME AND WAS PICKED UP
HERE, DESTITUTE, AND DOES NOT WANT ANYBODY NOTIFIED?

3. UNDER 5 USC 552(B)(11) ONE OF CONDITIONS OF
DISCLOSURE OF INFORMATION IS "PURSUANT TO ORDER OF COURT
OF COMPETENT JURISDICTION". WOULD REQUEST OF A LOCAL
COURT WHICH HAS JURISDICTION OVER U.S. CITIZEN RESIDING
HERE FOR INFORMATION ON U.S. CITIZEN'S
RECEIPT OF FEDERAL BENEFITS OR OTHER INFO ON SUCH U.S.
CITIZEN BE COVERED UNDER THIS PROVISION OF PRIVACY ACT
TO ENABLE US TO RELEASE INFO TO LOCAL AUSTRIAN COURT?
(J) LOCAL COURTS HAVE RELEASED TO EMBASSY BANK ACCOUNTS
AND OTHER ASSETS OF AMERICAN CITIZENS OR ALLEGED AMERICAN
CITIZENS WHO DIED IN U.S. WITH REQUEST EITHER "TO
TRANSFER TO PERSON ENTITLED TO RECEIVE IT" OR TO KNOWN
EXECUTOR OR ADMINISTRATOR IN U.S. WE HAVE REGULARLY
REFUSED TO ACCEPT SUCH FUNDS AND/OR ASSETS FOR TRANSMITTAL
AND SUGGESTED THAT LOCAL COURT TRANSFER DIRECTLY. WE
HAVE ALSO MADE EFFORTS IN SUCH CASES TO LOCATE EXECUTORS
AND ADMINISTRATORS IN U.S. AND IF SUCCESSFUL HAVE NOTIFIED

THEM OF ASSETS IN AUSTRIA. IN SOME RARE INSTANCES,
HOWEVER, LOCAL COURTS INSISTED THAT EMBASSY TAKE OVER
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 VIENNA 02232 02 OF 02 221712Z

ASSETS AND FORWARD THEM TO CERTAIN PERSONS IN U.S.
DESIGNATED BY LOCAL COURT AS BEING EXECUTORS OR
ADMINISTRATORS. IN ORDER TO AVOID UNDUE DELAYS, WE
HAVE ACCEPTED THESE ASSETS AND TRANSFERRED TO DESIGNATED

PERSON IN U.S. IN FORM OF U.S. TREASURY CHECK, IN PARTICULAR IN CASES WHERE PERSON IN U.S. ASKED FOR OUR ASSISTANCE IN HAVING SETTLEMENT OF CASE EXPEDITED. WHAT ID DEPT. VIEW IN CASES OF AN AMERICAN CITIZEN WHO PASSED AWAY IN U.S. AND WHO LEAVES FUNDS OR JEWELRY IN ASUTRIA AND LOCAL AUTHORITIES ARE RELUCTANT TO SEND ASSETS TO KNOWN EXECUTOR OR ADMINISTRATOR IN U.S., BUT ASK EMBASSY TO DO SO WITH REFERENCE TO ARTICLE XX OF 1928 TREATY OF FREINDSHIP, COMMERCE AND CONSULAR RIGHTS BETWEEN AUSTRIA AND U.S.?

(K) GIVEN CURRENT EMPHASIS ON INDIVIDUAL RIGHTS, IS IT NOT TIME THAT CONSULAR OFFICERS SHOULD ENJOY DUE PROCESS TO EXTENT THAT THEY ARE NOT SUBJECT TO GRATUITIOUS, LIBELOUS ATTACKS ON THEIR PERSONAL AND PROFESSIONAL INTEGRITY BY FELLOW CITIZENS WITH INTIMIDATION OR VINDICTIVENESS

IN MIND? IT SOMETIMES HAPPENS THAT THESE ALLEGATIONS ARE ENDORSED WITHOUT INVESTIGATION BY ELECTED PUBLIC OFFICIALS. HAS SCA GIVEN ANY THOUGHT TO FORMULATION OF A "FAIRNESS DOCTRINE" AND STANDARD REPLY THAT LIBEL CONSTITUTES GOUNDS FOR POSSIBLE LEGAL RECOURSE BY OFFICER UNJUSTLY DEFAMED?

(1) WE WOULD BE VERY INTERESTED IN PRESENTATION REGARDING PERSONNEL MATTERS AS THEY IMPINGE ON CONSULAR OFFICERS, E.G., PROMOTION, POSITION GRADE CLASSIFICATION, ASSIGNMENT OF NON-CONSULAR OFFICERS TO CONSULAR SLOTS, SUCY AS CHIEF OF SECTION AND PRINCIPAL OFFICER AT "DESIGNATED CONSULAR POSTS". BUCHANAN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 22-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977VIENNA02232
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770098-0351
Format: TEL
From: VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770333/aaaabcou.tel
Line Count: 200
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0eb1aab3-c288-dd11-92da-001cc4696bcc
Office: ACTION SCA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 57650
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3030180
Secure: OPEN
Status: NATIVE
Subject: CONSULAR CONFERENCE IN VIENNA
TAGS: OCON, CGEN
To: STATE
Type: TE
vdkgvwkey: odbs://SAS/SAS.dbo.SAS_Docs/0eb1aab3-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009